



MAY 16 2002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Ian Trevor Dampney, et al.

Serial No.: 09/890,581

Filed: August 2, 2001

For: Actuating and Locking Mechanism  
for a Surgical Tool

Office of Finance  
REFUND BRANCH  
ATTN: Refund Section  
777 Accounting Division  
US PATENT & TRADEMARK  
Attorney Docket No. 000026.00030  
MCG/mag  
Date: May 16, 2002

5/10  
DEP & REF  
Room 307

**REQUEST FOR REFUND**

Hon. Commissioner of Patents and Trademarks

**Attn: Refund Division**

Washington, D.C. 20231

Sir:

In accordance with 37 C.F.R. §1.26 concerning request for refund, applicant hereby requests a refund of \$130.00. This amount is for the surcharge for the late filing of the Declaration under 37 CFR 1.492(e), which was included in the amount of payment (\$1,080.00) and filing made on August 2, 2001 for the above-referenced application. We, however, again paid \$130.00 for the late filing of the declaration as part of the payment (\$170.00) and filing made on March 6, 2002. A copy of the mailroom stamped documents and transmittals made on August 2, 2001 and March 6, 2002 are attached herewith.

Applicant therefore requests a refund of \$130.00. Please credit the refund to BLANK ROME COMISKY & McCUALEY Deposit Account No. 23-2185 (000026.00030).

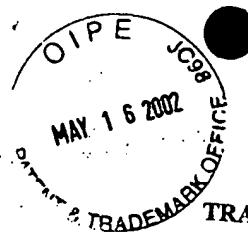
Respectfully submitted,

By:

Michael C. Greenbaum  
Attorney for Applicants  
Registration No. 28,419

Repln. Ref: 12/04/2002 RWHITE1 0015095900  
DAW:232185 Name/Number:09890581  
FC: 9204 \$130.00 CR

BLANK ROME COMISKY & McCUALEY LLP  
THE FARRAGUT BUILDING  
SUITE 1000  
900 17<sup>TH</sup> STREET, NW  
WASHINGTON, DC 20006  
TEL (202) 530-7400 FAX (202) 463-6915

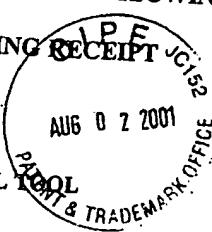


THE OFFICIAL DATE STAMPED HEREON BY THE U.S. PATENT AND  
TRADEMARK OFFICE WILL ACKNOWLEDGE RECEIPT OF THE FOLLOWING:

NATIONAL PHASE U.S. PATENT APPLICATION FILING RECEIPT

Applicant: Ian Trevor DAMPNEY, et al.  
Serial No.: Not Yet Assigned  
Filing Date: August 2, 2001  
For:

ACTUATING AND LOCKING MECHANISM FOR A SURGICAL TOOL



ENCLOSURES:

1. Form PTO-1390 (in duplicate);
2. Check in the amount of \$1,080.00 (check# 1031);
3. Preliminary Amendment (6pp.) with Amended Sheet of PCT/CN00/00324 (4pp.);
4. PCT Demand;
5. International Publication Number WO 00/45718;
6. International Preliminary Examination Report with Annexes; and
7. Unexecuted Declaration (2pp.).

**DOCKETED**  
000026.0030  
AUG - 2 2001 KCS

MCG/mas  
August 2, 2001

EARLY SERIAL NUMBER REQUESTED

Action Due	Due Date
Attorney Docket No.: 000026.00030	

BLANK ROME COMISKY & McCUALEY LLP

FORM PTO-1390 U.S. DEPARTMENT OF COMMERCE/PATENT AND TRADEMARK OFFICE (REV 10-94)

TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371

TYPE  
MAY 16 2002  
PATENT & TRADEMARK OFFICE  
868

ATTORNEY'S DOCKET NUMBER

000026.00030

U.S. APPLICATION NO.

Not yet assigned

INTERNATIONAL APPLICATION NO.

PCT/GB00/00325

INTERNATIONAL FILING DATE

4 February 2000

PRIORITY DATE CLAIMED

5 February 1999

TITLE OF INVENTION

ACTUATING AND LOCKING MECHANISM FOR A SURGICAL TOOL

APPLICANT(S) FOR DO/EO/US

Ian Trevor DAMPNEY, and John Ewant Alfred WICKHAM

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1.	<input checked="" type="checkbox"/>	This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C. 371.
2.	<input type="checkbox"/>	This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. 371.
3.	<input type="checkbox"/>	This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(l).
4.	<input checked="" type="checkbox"/>	A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5.	<input checked="" type="checkbox"/>	A copy of the International Application is filed (35 U.S.C. 371(c)(2))
	a. <input type="checkbox"/>	Is transmitted herewith (required only if not transmitted by the International Bureau).
	b. <input checked="" type="checkbox"/>	has been transmitted by the International Bureau.
	c. <input type="checkbox"/>	Is not required, as the application was filed in the United States Receiving Office (RO/US)
6.	<input type="checkbox"/>	A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7.	<input checked="" type="checkbox"/>	Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
	a. <input type="checkbox"/>	are transmitted herewith (required only if not transmitted by the International Bureau).
	b. <input checked="" type="checkbox"/>	have been transmitted by the International Bureau
	c. <input type="checkbox"/>	have not been made; however, the time limit for making such amendments has NOT expired.
	d. <input type="checkbox"/>	have not been made and will not be made.
8.	<input type="checkbox"/>	A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9.	<input checked="" type="checkbox"/>	An unexecuted oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10.	<input type="checkbox"/>	A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 16. below concern document(s) or information included:

11.	<input type="checkbox"/>	An Information Disclosure Statement under 37 CFR 1.97 and 1.98
12.	<input type="checkbox"/>	An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13.	<input checked="" type="checkbox"/>	A <b>FIRST</b> preliminary amendment.
	<input type="checkbox"/>	A <b>SECOND</b> or <b>SUBSEQUENT</b> preliminary amendment.
14.	<input type="checkbox"/>	A substitute specification.
15.	<input type="checkbox"/>	A change of power of attorney and/or address letter.
16.	<input checked="" type="checkbox"/>	Other items or information: PCT Demand International Publication Number WO 00/45718 w/International Search Report International Preliminary Examination Report with Annexes PCT Request

U.S. APPLICATION NO.		INTERNATIONAL APPLICATION NO.		ATTORNEY'S DOCKET NO.	
Not yet assigned		PCT/GB00/00325		000026.00030	
17. <input checked="" type="checkbox"/> The following fees are submitted:				CALCULATIONS PTO USE ONLY	
<b>BASIC NATIONAL FEE (37 CFR 1.492(a)(1)-(5)):</b> <input checked="" type="checkbox"/> Search Report has been prepared by the EPO or JPO ..... \$860.00					
International preliminary examination fee paid to USPTO (37 CFR 1.482) ..... \$690.00					
No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2)) ..... \$710.00					
Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... \$1000.00					
International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4). ..... \$100.00					
ENTER APPROPRIATE BASIC FEE AMOUNT =				\$860.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than 20 <input checked="" type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$130.00	
CLAIMS	NUMBER FILED		NUMBER EXTRA	RATE	
Total Claims	25	- 20 =	5	X \$18.00	\$90.00
Independent Claims	2	- 3 =	0	X \$80.00	\$n/a
MULTIPLE DEPENDENT CLAIM(S) (if applicable)				+ \$270.00	\$n/a
TOTAL OF ABOVE CALCULATIONS =				\$1,080.00	
Reduction by 1/2 for filing by small entity, if applicable. Verified Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28).				\$n/a	
SUBTOTAL =				\$1,080.00	
Processing fee of \$130.00 for furnishing the English translation later than 20 30 months from the earliest claimed priority date (37 CFR 1.492(f)). +				\$0.00	
TOTAL NATIONAL FEE =				\$1,080.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28,3.31). \$40.00 per property +				\$0.00	
				TOTAL FEES ENCLOSED = \$1,080.00	
				Amount to be refunded: \$	
				charged: \$	
a. <input checked="" type="checkbox"/> A check in the amount of <u>\$1,080.00</u> to cover the above fees is enclosed.					
b. Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.					
c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>23-2185</u> . A duplicate copy of this sheet is enclosed.					
<b>NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.487(a) or (b)) must be filed and granted to restore the application to pending status.</b>					
<b>SEND ALL CORRESPONDENCE TO:</b> CUSTOMER NO.: 002779 BLANK ROME COMISKY & MCCUALEY LLP The Farragut Building 900 - 17th Street, N.W., SUITE 1000 Washington, D.C. 20006				 Signature	
				NAME Michael C. Greenbaum	
				Registration No. 28,419	
				Date August 2, 2001	

505  
MAY 16 2002  
PATENT & TRADEMARK OFFICE

BLANK ROME COMISKY & McCUALEY LLP

CHECK NO.

1031

ENDOR #	INVOICE #	DATE	INVOICE AMOUNT	INVOICE DESCRIPTION	AMOUNT PAID
00896	000026.00030	08-02-01	1.080.00	PATENT APPLN: ADD'L CLAIMS DECL NOT ACCOMPANYING APPLN	1.080.00

BLANK ROME COMISKY & McCUALEY LLP

COUNSELORS AT LAW  
900 17TH STREET, NW - SUITE 1000  
WASHINGTON, DC 20006  
(202)463-7700

CHECK NO. 1031

WASHINGTON DISBURSEMENT ACCT  
55-136312  
08/02/01

\$1,080.00

THOUSAND EIGHTY AND 00/100 DOLLARS

TO THE ORDER OF U.S. COMMISSIONER OF PATENTS  
AND TRADEMARKS

1REF:

MERCER BANK

/1031/ α031101017α 95 00000 42/



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ian Trevor Dampney et al.  
Serial No.: 09/890,581  
Filing Date: August 2, 2001  
For: Actuating and Locking Mechanism

**DOCKETED**

Please stamp to acknowledge receipt of the following:

000026-0030  
MAR 8 2002  
box

	Action Due	Due Date
1. Form 1595		
2. Executed Declaration		
3. check for \$ 170.00		
4. Copy of the Notification of Missing Requirements Under 35 USC 371 in the United States Designated/Elected Office		
5. Filing of Declaration Under 37 CFR 1.53(f)		

MCG/JJY/lmh

Date: March 6, 2002 Attorney Docket No.: 000026-00030

BLANK ROME COMISKY & McCUALEY LLP





Docket No. 000026-00300

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF: Ian Trevor Dampney et al.

SERIAL NO: 09/890,581

GAU:

FILED: August 2, 2001

EXAMINER:

FOR: Actuating and Locking Mechanism for a Surgical Tool

**FILING OF DECLARATION UNDER 37 CFR 1.53(f)**

COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

ATTN: APPLICATION BRANCH

SIR:

Responsive to the notification dated February 1, 2002, and in accordance with the provisions of 37 CFR 1.53(f), Applicants submit herewith a Declaration in accordance with 37 CFR 1.63.

The required fee was paid at the time of filing the application.

A check in the amount of \$130.00 is attached to cover the required fee for the late filing of the executed declaration.

A copy of the notification is also submitted herewith.

The Declaration enclosed herewith adequately identifies the above-identified application in accordance with 37 CFR 1.63, as set forth in MPEP Section 601.01.

In light of the foregoing, this application is deemed to be in proper condition for examination and such favorable action is earnestly solicited.

Please charge any underpayment of fees or credit any overpayment of fees to Deposit Account No. 23-2185. A duplicate copy of this paper is attached.

Respectfully Submitted,

BLANK ROME COMISKY & MCCAULEY LLP

THE FARRAGUT BUILDING  
SUITE 1000  
900 17<sup>TH</sup> STREET, NW  
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TEL (202) 530-7400  
FAX (202) 463-6915

Michael C. Greenbaum  
Registration No. 28,419

Date: March 8, 2002